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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,062	08/29/2005	Norbert Koch	N Koch ET AL - 1 PCT	2570
25889	7590	09/10/2007	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			LOPEZ, FRANK D	
		ART UNIT	PAPER NUMBER	
		3745		
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		09/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/529,062	KOCH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	F. Daniel Lopez	3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/25/07.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/29/05; 6/25/07.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

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### ***Specification***

The disclosure is objected to because of the following informalities:  
all occurrences of specific claims (e.g. page 2 line 21) must be deleted; and  
on page 5 line 3-4 "pump 3 is supplied from the reservoir 5 as pressure reducer" is confusing as to what the pressure reducer is. One of ordinary skill in the fluid actuator art would understand a pressure reducer as being a valve which outputs a particular lower pressure from a higher pressure source. It would appear that applicant intends that the pressure reducer of this case is the reservoir. If so, then the discussion of pressure reducer should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 2 "can be" is not a positive limitation; suggest that --is selectively--, replace it. In claim 1 line 3 "in particular" is confusing as to whether the limitation following "in particular" is part of the claim limitation or not. In claim 1 line 12 "pressure reducer" should be --reservoir--, to agree with the specification (see objection to the specification, above).

In claim 7 and 8 line 3 "the pressure sensors" have no antecedent basis. Suggest that claims 7 and 8 depend from claim 6.

Claims 2-6 are indefinite, since they depend from one of the above claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Blattry in view of Curlett. Blattry discloses a fluid device comprising an actuator having first and second chambers (11, 13) connected by connection lines (6, 7) to a 4/2 way type switching device (valve marked 29 in fig. 1c), which can be switched between a direct pass through position and a crossed-over pass through position; wherein the switching device is in series with, and downstream of, a switching apparatus (16), which is a three position directional control valve; wherein a pressure sensor (30, fig 1c) is connected to one of the connection lines, downstream of the switching apparatus, between the switching apparatus and the switching device and senses when an appropriate pressure level in one of the chambers is reached; but does not disclose that the switching apparatus is two separate 4/2 way switching valves, arranged in parallel, wherein one has a blocking position and a direct pass-through position, and the other has a blocking position and a crossed-over pass-through position; or that there are a plurality of pressure sensors downstream of the switching apparatus.

Curlett teaches that a directional control valve type switching apparatus can include two separate 4/2 way switching valves (6, 7), arranged in parallel, wherein one has a blocking position and a direct pass-through position, and the other has a blocking position and a crossed-over pass-through position.

Since one having ordinary skill in the piston art would recognize that the switching apparatus of Blattry and Curlett are interchangeable and would understand how to replace one with the other; it would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the switching apparatus of Blattry with a switching apparatus which includes two separate 4/2 way switching valves, arranged in parallel, wherein one has a blocking position and a direct pass-through position, and the other has a blocking position and a crossed-over pass-through position, as taught by Curlett, with the resulting replacement being predictable.

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Blattry teaches, for a different fluid device (fig 1c) comprising an actuator having first and second chambers (11, 13) connected by connection lines to a switching apparatus (14); wherein a pressure sensor (30') is connected to one of the connection lines, downstream of the switching apparatus, which senses when an appropriate pressure level in one of the chambers is reached; that there is a second pressure sensor (31) connected to the other connection line, downstream of the switching apparatus, for the purpose of sensing when an appropriate pressure level in the other chamber is reached.

Since one having ordinary skill in the piston art would recognize that the second pressure sensor of a different embodiment of Blattry can be used in the embodiment of Blattry having the switching device for the purpose stated; it would have been obvious at the time the invention was made to one having ordinary skill in the art to include a second pressure sensor connected to the other connection line, downstream of the switching apparatus of Blattry, as taught by Blattry, for the purpose of sensing when an appropriate pressure level in the other chamber is reached. For the second pressure sensor to do this, it must be between the switching apparatus and the switching device.

The limitations "hydraulic" and "stabilizing" are considered intended use, and therefore have been given no patentable weight.

### **Conclusion**

Claims 4 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
August 29, 2007